

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of	)	CA 03-01
	)	
ODA/MCCARTY ARCHITECTS,	)	
LIMITED, Russell Oda and Harrell	)	
McCarty,	)	
	)	
Respondents.	)	
_____	)	

CONCILIATION AGREEMENT

On or around August 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents Oda/McCarty Architects, Limited ("Oda"), Russell Oda and Harrell McCarty. Business Registration Division records list Oda as doing business in architectural services, whose business address is 557 Manono Street, Post Office Box 4848, Hilo, Hawaii. Russell S. Oda and Harrell L. McCarty are listed as president and vice-president, respectively. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Oda, Russell Oda, Harrell McCarty and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.

- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
  1. On or around August 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Ben Cayetano campaign committee ("Cayetano") and the Mazie Hirono campaign committee ("Hirono"), initiated an investigation involving excess contributions in violation of section 11-204, HRS.
  2. Section 11-204(a)(1)(B), HRS reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.

3. Section 11-202, HRS reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
4. Oda officers and family made contributions totaling \$11,000 to Cayetano prior to the 1998 elections.
5. Oda funded a contribution by Jerry Watanabe, an employee, to Cayetano in the amount of \$1,000.
6. Oda funded a contribution by Sandra Watanabe, wife of Jerry Watanabe, to Cayetano in the amount of \$1,000.
7. Oda officers made contributions totaling \$11,000 to Hirono prior to the 1998 elections.
8. Oda funded a contribution by Dennis S. Kodama, an employee, to Hirono in the amount of \$5,000.
9. Oda acknowledges contributions of \$2,000 and \$5,000 had been made to the Cayetano and Hirono campaign committees in violation of section 11-202, HRS for the election period.
10. That Oda failed to file an organizational report pursuant to section 11-194, HRS.
11. That Oda failed to file disclosure reports pursuant to sections 11-212 and 11-213, HRS.

## VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-01, Oda understands and agrees to the following:

- (A) Oda agrees to an assessment of **Three Thousand Dollars (\$3,000)** pursuant to section 11-228, HRS.
  - (1) For violation of section 11-202, HRS, making a contribution in the name of another to the Cayetano campaign committee for 1994-1998 election period;
  - (2) For violation of section 11-202, HRS, making a contribution in the name of another to the Hirono campaign committee for the 1994-1998 election period;
  - (3) For violation of section 11-204(a)(1)(B), HRS, making excess contributions to the Cayetano and Hirono campaigns; and
  - (4) For violation of sections 11-194, 11-212 and 11-213, HRS, failure to file an organizational report and required disclosure reports.
- (B) Oda agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (C) Terms of payment of the assessment shall be by Order of the Commission.

- VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.
- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and Oda on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

**FOR THE COMMISSION:**

Robert Y. Watada, Executive Director

By: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR THE RESPONDENTS:**

Russell S. Oda

By: \_\_\_\_\_

Date: \_\_\_\_\_

(Name)

(Title)

